



Legislation Details (With Text)

File #:	21-379	Version:	1
Type:	Public Hearing	Status:	Passed
File created:	4/29/2021	In control:	City Council/Public Financing Authority
On agenda:	5/17/2021	Final action:	5/17/2021
Title:	Consider the Appeal of Planning Commission Denial of Zoning Text Amendment (ZTA) No. 21-002 (Environmental Assessment Committee and Subdivision Committee) and approve for introduction Ordinance No. 4230 amending the Municipal Code and Zoning and Subdivision Code to eliminate the Environmental Assessment Committee and Subdivision Committee		
Attachments:	1. Att#1 Suggested Findings of Approval ZTA No. 21-002, 2. Att#2 Draft City Council Ordinance No. 4230, 3. Att#3 ZTA No. 21-002 Legislative Draft, 4. Att#4 Planning Commission Staff Report 4.27.21, 5. Att#5 Appeal of Planning Commission Denial 4.27.21, 6. Att#6 Excerpt of City Council Minutes 3.15.21, 7. Att#7 Council Member Kalmick Memorandum 3.15.21, 8. Sup Comm - PowerPoint - 5-17-21, 9. Sup Comm 5-17-21		

Date	Ver.	Action By	Action	Result
5/17/2021	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Ursula Luna-Reynosa, Director of Community Development

Subject:

Consider the Appeal of Planning Commission Denial of Zoning Text Amendment (ZTA) No. 21-002 (Environmental Assessment Committee and Subdivision Committee) and approve for introduction Ordinance No. 4230 amending the Municipal Code and Zoning and Subdivision Code to eliminate the Environmental Assessment Committee and Subdivision Committee

Statement of Issue:

The proposed Zoning Text Amendment, in conjunction with the proposed municipal code amendments, would amend the Huntington Beach Municipal Code and Zoning and Subdivision Ordinance to eliminate the Environmental Assessment Committee and Subdivision Committee to streamline the entitlement process. Staff recommended approval of the Zoning Text Amendment with suggested findings to the Planning Commission. On April 27, 2021, the Planning Commission voted to deny the Zoning Text Amendment. City Council Member Dan Kalmick filed an appeal of the Planning Commission's decision on April 27, 2021.

Financial Impact:

Not applicable.

Recommended Action:

It is recommended that the City Council take the following action:

- A) Find that the municipal code amendments and Zoning Text Amendment No. 21-002 are categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, because there is no potential for the project to have a significant effect on the environment; and,
- B) Approve the municipal code amendments and Zoning Text Amendment No. 21-002 with findings (Attachment No. 1); and,
- C) Approve for introduction Ordinance No. 4230, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapters 2.33, and 2.56 of the Huntington Beach Municipal Code; Chapters 240, 248, 250 and 251 of the Huntington Beach Zoning and Subdivision Code Removing All References to the Subdivision and Environmental Assessment Subcommittees (Zoning Text Amendment No. 21-002).” (Attachment No. 2)

Alternative Action(s):

- A) Uphold the Planning Commission’s Action and Deny Zoning Text Amendment No. 21-002 and deny the municipal code amendments; or
- B) Continue Zoning Text Amendment No. 21-002 and the municipal code amendments and direct staff accordingly.

Analysis:

A. PROJECT PROPOSAL:

Applicant: City of Huntington Beach

Appellant: City Council Member Dan Kalmick

Zoning Text Amendment (ZTA) No. 21-002 is a request to amend the Huntington Beach Municipal Code (HBMC) and Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to eliminate the Environmental Assessment Committee and Subdivision Committee to streamline the entitlement process.

A description of the proposed ZTA as well as a General Plan and Zoning conformance analysis can be found in the April 27, 2021, Planning Commission staff report (Attachment No. 4).

In addition to the amendments proposed in ZTA No. 21-002, amendments to the HBMC would be needed in order to implement the City Council’s direction, in conjunction with the HBZSO amendments. The HBMC amendments are as follows:

HBMC Section 2.33.030.E

E. Provide staff services and support to the Planning Commission, Zoning Administrator, Design Review Board, Environmental Board, ~~Subdivision Committee~~, ~~Environmental Assessment Committee~~, and other committees, subcommittees, boards and commissions pertaining to planning.

HBMC Section 2.56.030.D

D. Assists boards, commissions and committees which encourage, foster, promote and facilitate the objectives of the department including, but not limited to, the Planning Commission, Community Services Commission, Public Works Commission, ~~Subdivision Committee~~, Board of Zoning Adjustments, or appoints deputy so to assist.

B. BACKGROUND:

On April 27, 2021, the Planning Commission held a public hearing to consider Zoning Text Amendment No. 21-002. There were no speakers at the public hearing and no written comments were received. Staff recommended approval of the Zoning Text Amendment, because it is consistent with City Council direction and with the economic development strategy of the General Plan. In addition, it addresses a community need to reduce the processing time of projects, which could facilitate the development of new projects and increase sales tax revenues, and eliminates unnecessary committees.

At the public hearing, the Planning Commission brought up the following issues:

- Role of the committees
- Types of projects under committee review
- Level of staff review of environmental documents
- Objectivity of environmental determination
- Time savings without these committees
- Need for public participation

After deliberations, the Planning Commission denied the Zoning Text Amendment.

Planning Commission Action on April 27, 2021:

A motion was made by Ray, seconded by Acosta-Galvan, to recommend to the City Council approval of Zoning Text Amendment No. 21-002 carried by the following vote:

AYES:	Acosta-Galvan, Ray, Rodriguez
NOES:	Mandic, Perkins, Scandura, Van Der Mark
ABSTAIN:	None
ABSENT:	None

MOTION FAILED

C. APPEAL:

On April 27, 2021, City Council Member Dan Kalmick appealed the Planning Commission's denial of Zoning Text Amendment. He believes the Planning Commission was in error in denying the Zoning Text Amendment and acted contrary to the policy direction of the City Council (Attachment

No. 5).

D. SUMMARY:

Staff is recommending approval of the municipal code amendments and ZTA No. 21-002, based on the following reasons:

1. It is consistent with City Council direction.
2. It is consistent with the economic development strategy of the General Plan.
3. It addresses a community need to reduce the processing time of projects, which could facilitate the development of new projects and increase sales tax revenues.
4. It removes redundancy in the entitlement process and eliminates unnecessary committees.

Environmental Status:

The proposed municipal code amendments and Zoning Text Amendment No. 21-002 will not have any significant effect on the environment and is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, because there is no potential for the amendment to the HBMC and HBZSO to have a significant effect on the environment.

Strategic Plan Goal:

Economic Development & Housing

Attachment(s):

1. Suggested Findings of Approval - Zoning Text Amendment No. 21-002
2. Draft City Council Ordinance No. 4230
3. Zoning Text Amendment No. 21-002 Legislative Draft
4. April 27, 2021 Planning Commission Staff Report
5. Appeal of Planning Commission Denial received April 27, 2021
6. Excerpt of March 15, 2021 City Council Minutes
7. City Council Member Kalmick Memorandum dated March 15, 2021